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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,097	05/17/2005	Per Sjorup	P08422US00/MP	9110
881	7590	02/03/2006	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			HAMIDINIA, SHAWN A	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/512,097

Applicant(s)

SJORUP, PER

Examiner

Shawn Hamidinia

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/9/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This office action is in response to amendment filed November 9, 2005. Claims 1-5 are currently pending and are under examination.

#### ***Priority***

2. The current application filed on May 17, 2005 claims benefit of foreign application, 00599, filed on April 22, 2002.

#### ***Withdrawal of Objections and Rejections***

3. The rejection of claims 1-5 under 35 USC § 112, second paragraph is withdrawn.  
The rejection of claims 1-5 under 35 USC § 102(b) as being anticipated by Haack et al. is withdrawn.  
The rejection of claims 1-5 under 35 USC § 103(a) as being obvious over Haack et al. is withdrawn.

#### ***New Rejections***

##### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lilja et al. (1994). Applicant claims a method for producing gelatin comprising the following steps: chopping or cutting a rind; defatting the rind using steam and/or hot water; hydrolyzing the defatted rind using an acid; neutralizing the hydrolyzed rind material; and extracting the neutralized rind material with water to form gelatin (see claim 1). Lilja et al. teach a method for producing gelatin in **claim 1** from collagen-containing raw materials such as hide (split, rind) and other connective-tissue material (see lines 35-2, page 2-3) comprising the following steps: a) grinding the raw material to a particle size not exceeding 1 mm, b) mixing the ground raw material with water to form a slurry, c) subjecting the slurry from step b), **in optional order**, to an adjustment of the pH to 2-5 and to an adjustment of the temperature to 60-130 °C for a time from 1 s to 1 h, d) adjusting the temperature of the slurry once more, f) adjusting the pH of the slurry or the liquid portion by using an alkaline chemical such as calcium hydroxide (see lines 26-34, page 9), and g) recovering the gelatin from the liquid portion in filtering steps and/or other cleaning steps. This clearly anticipates claims 1 and 4 of the instant application.

Lilja et al. further teach that this method may be implemented in one step, i.e. continuously (see lines 25-28, page 11) and that the collagen-containing raw material may be defatted prior to grinding not to exceed 3 % by weight (see lines 9-12, page 7). This clearly anticipates claims 2-3 of the instant application.

Lilja et al. also teach the gelatin product which after testing has a bloom number of 300 and 73% yield upon ultrafiltration, (see Table, page 15). This clearly anticipates claim 5 of the instant application.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being obvious over Lilja et al. (1994) in view of Haack et al. (1984).

The teachings of Lilja et al. are discussed above.

Haack et al. teach that defatted pork rind granules are useful in the manufacture of gelatin, see abstract. Haack et al. further teach that his method includes defatting the rind before acid hydrolysis for manufacture of the gelatin product, (see Figure 4, page 5-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to follow the method for producing gelatin by Lilja et al. with the defatting of pork rind teachings of Haack et al. with the expectation of enhancing the production yield of gelatin.

**Conclusion**


8. No claim is allowed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn Hamidinia whose telephone number is (571) 272-4534. The examiner can normally be reached on Mon-Fri from 9:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on (571) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAH



ROBERT A. WAX  
PRIMARY EXAMINER